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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,632	09/15/2003	David Fu	10448	9754

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EXAMINER

GREEN, BRIAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,632

Applicant(s)

FU, DAVID

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) 7-11, 20-37, 47, 48 and 62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 12-19, 38-46, 49-61 and 63-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION***Election/Restrictions***

Applicant's election with traverse of Species I. (figures 1-13) in the reply filed on Jan. 3, 2005 is acknowledged. The traversal is on the ground(s) that the disclosed embodiments would not present a serious burden on the examiner since it does not appear that the various embodiments involve separate classification, separate status in the art, or separate fields of search. This is not found persuasive because each of the species would require additional searching and would place a serious burden on the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claims 7-11,20-37,47,48, and 62 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on Jan. 3, 2005.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the second magnetic member projecting from the bottom surface of the cover and the first magnetic member recessed from the top surface of the base and including an indentation in the top surface as defined in claim 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

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even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1-6,12-19,38-46,49-61, and 63-67 are objected to because of the following informalities: In claims 1,38,49, and 63, line 2, “comprising the combination of” should apparently be “comprising” since there is no antecedent basis for “the combination” and “the combination” makes it a little confusing as to what the applicant is claiming in combination. In claims 3,39, and 50, line 3, “the respective thickness” should be “a respective thickness” since there is no antecedent basis for “the respective thickness”. In claims 17, 44, and 57, line 2, “said first magnet” should be “said first magnetic member” for antecedent basis purposes. Appropriate correction is required.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6,12-18,38-45,49-58,60,61, and 63-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neugebauer (U.S. Patent No. 5,522,163) in view of Yeh (U.S. Patent No. 6,256,914) or Yang (U.S. Patent No. 5,167,085).

Neugebauer shows in figures 1-3 a protective display holder comprising a substantially rigid base (24) having a first edge and an opposite second edge, the base including a flat top surface (26) and a recess (48), a substantially rigid cover (14) having a first edge and opposite second edge, the cover including a flat bottom surface (18), retaining means (20,32) adjacent to the first edge of the base and to the first edge of the cover for releasably retaining the bottom surface to the top surface, and a fastener (38) adjacent the second edges of the base and cover for securing the base and cover together. Neugebauer does not disclose using first and second magnetic members to secure the base to the cover adjacent to the second edges. Yeh shows in figures 1-4 the idea of embedding magnets (7) within recesses in transparent covers (3-6) for engaging magnets (7) embedded into a base (2) in order to secure each of the covers to the base. Yang shows in figure 2 the idea of embedding a magnetic member (21) within a cover (2) for engaging a magnet (113) embedded in a base (1) for securing the cover and base together. In view of the teachings of Yeh or Yang it would have been obvious to one in the art to modify Neugebauer by replacing the fastener (38) with magnetic members embedded within the cover and base since this would allow the cover and base to be attached together and separated in an

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easier and faster manner. In regard to claim 2, the cover and base are formed from transparent material. In regard to claim 3, the recess has depth and peripheral dimensions equal to or greater than a respective thickness and peripheral dimensions of the flat item, see column 3, lines 37-39. In regard to claims 5, 53, 65, and 66, Yeh discloses that the magnetic members (7) on the cover and base are magnets. Yang discloses the idea of making the magnetic member on the cover in the form of an iron plate and the magnetic member (113) on the base in the form of a magnet. The substitution of a magnet for the iron plate is considered obvious and well within one skilled in the art and the substitution would create an equivalent fastening structure. In regard to claims 6, 12, and 14-18, Neugebauer shows in figures 1 and 3 that the cover includes a recess (46) that receives a protrusion/collar (36) formed on the base. The magnetic members taught by Yang and Yeh would be embedded within the recess in the cover and in the protrusion/collar formed on the base. In regard to claims 13 and 61, it would have been obvious to one skilled in the art to place the protrusion/collar on the cover and the recess within the base of Neugebauer since this is a mere reversal of parts and considered an obvious expedient, see MPEP 2144.04, VI, A. In regard to claims 16, 18, 43, 45, 56, and 58, it would have been obvious to one skilled in the art to make the configuration of the collar and indentation in the shape of an oval (Neugebauer teaches the idea of making the collar and indentation in the shape of a circle) since there is no evidence that the particular shape of the collar and indentation is significant and the difference in shape is considered to be a matter of choice which a person of ordinary skill in the art would have found obvious, see MPEP 2144.04, IV, B.

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Claims 19,46, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neugebauer (U.S. Patent No. 5,522,163) in view of Yeh (U.S. Patent No. 6,256,914) or Yang (U.S. Patent No. 5,167,085) as applied to claims 18,45, and 49 above and further in view of Cameron (U.S. Patent No. 5,186,566).

Neugebauer in view of Yeh or Yang disclose the applicant's basic inventive concept except for attaching a finger notch along at least one of the second edges. Cameron shows in figures 1-4 first and second panels that include finger notches (42) along the edges of each of the panels. In view of the teachings of Cameron it would have been obvious to one in the art to modify Neugebauer by placing a finger notch along at least one of the second edges since this would allow the cover and base to be separated in an easier and faster manner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BRIAN K. GREEN
PRIMARY EXAMINER

Bkg
March 10, 2005